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11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN FRANCISCO DIVISION

14 VINCENT KAMYAR VAGHAR,

15 Plaintiff,

16 v.

17 DAVID J. KILLIAN; ANTHONY M.
18 MAROTTA; and ROSA COURT, LLC, a New
19 Jersey limited liability company,

20 Defendant.

CASE NO. C 07 4083 EDL

**DECLINATION TO PROCEED BEFORE
A MAGISTRATE JUDGE
AND
REQUEST FOR REASSIGNMENT TO A
UNITED STATES DISTRICT JUDGE**

REQUEST FOR REASSIGNMENT TO A UNITED STATES DISTRICT JUDGE

The undersigned party hereby declines to consent to the assignment of this case to a United States Magistrate Judge for trial and disposition and hereby requests the reassignment of this case to a United States District Judge.

Dated: August 27, 2007

HOLME ROBERTS & OWEN LLP

By: /s Kyle L. Schriner

KYLE L. SCHRINER

Attorneys for Plaintiff

Vincent Kamyar Vaghar

PROOF OF SERVICE
CCP § 1010.6, CCP § 1013, CCP § 1013A

STATE OF CALIFORNIA, COUNTY OF SAN FRANCISCO

I am employed in the County of San Francisco, State of California. I am over the age of 18 and not a party to the within action. My business address is 560 Mission Street, 25th Floor, San Francisco, California 94105.

On August 27, 2007, I served the foregoing document(s) described as:

**DECLINATION TO PROCEED BEFORE A MAGISTRATE JUDGE AND
REQUEST FOR REASSIGNMENT TO A UNITED STATES DISTRICT JUDGE**

on the interested party/parties in this action as follows:

Michael A. Iaconelli, Esq. Klehr, Harrison, Harvey, Branzburg & Ellers LLP 260 South Broad Street Philadelphia, PA 19102-5003 Tel: (215) 568-6060 Fax: (215) 568-6603 Email: miaconelli@klehr.com	<i>Attorneys for Defendants</i>
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☐ BY PERSONAL SERVICE: I caused the above-mentioned document(s) to be personally served to the offices of the addressee as indicated above.

☐ BY FACSIMILE: I communicated the above-mentioned document(s) via facsimile transmittal to the addressee as indicated above. The transmission was reported complete and without error by a transmission report issued by the facsimile transmission machine as defined in California Rule of Court 2003 upon which the said transmission was made immediately following the transmission. A true and correct copy of the transmittal report bearing the date, time and sending facsimile machine telephone number shall be attached to the original proof of service.

☐ BY ELECTRONIC MAIL (E-MAIL): I caused the above-mentioned document(s) to be served via electronic mail from my electronic notification address to the electronic notification address of the addressee as indicated above. The document was served electronically and the transmission was reported complete without error.

☐ BY FEDERAL EXPRESS: I caused the above-mentioned document(s) to be sent via Federal Express overnight delivery. By placing a true and correct copy of such document(s)

1 enclosed in a sealed envelope or package designated by the express service carrier and deposited in a
2 facility regularly maintained by the express service carrier or delivered to a courier or driver
3 authorized to receive documents on its behalf, with delivery fees paid or provided for, addressed to
4 the address last shown by that person on any document filed in the action as indicated above.

5 ☒ BY MAIL: By placing a true and correct copy of such document(s) enclosed in a
6 sealed envelope addressed to the offices indicated above. I am "readily familiar" with the firm's
7 practice of collection and processing correspondence for mailing. Under that practice it would be
8 deposited with U.S. postal service on that same day with postage thereon fully prepaid at San
9 Francisco, California in the ordinary course of business. I am aware that on motion of the party
10 served, service is presumed invalid if postal cancellation date or postage meter date is more than one
11 day after date of deposit for mailing in affidavit.

12 Executed on August 27, 2007, at San Francisco, California.

13 ☒ (FEDERAL) I declare that I am employed in the office of a member of the bar of this
14 court at whose direction the service was made.

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